

**RESOLUTION NO. 75392**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENTION TO ESTABLISH MAINTENANCE DISTRICT 23 (BERRYESSA ROAD FROM I-680 TO PIEDMONT ROAD)**

**WHEREAS**, City staff in coordination with some of the owners of property along Berryessa Road between Interstate 680 and Piedmont Road have requested the City to form a maintenance district in order to provide continued maintenance services for certain public improvements in the area that differ from and exceed City standards for such improvements; and

**WHEREAS**, pursuant to Chapter 14.15 of Title 14 of the Municipal Code of the City, this Council is the legislative body empowered with the authority to establish the maintenance district for the maintenance of certain improvements that differ from and exceed City standards for such improvements.

**NOW, THEREFORE, BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. This Council proposes to conduct proceedings to establish a maintenance district pursuant to the Municipal Code in order to levy assessments from property owners within the district to fund maintenance services for improvements that differ from and exceed City standards for such improvements.
2. The name of the district proposed to be established is "Maintenance District 23 (Berryessa Road from I-680 to Piedmont Road)" (hereinafter "MD 23").

3. The boundaries of proposed MD 23 are as shown on the map attached hereto as Exhibit "A" and on file with the City Clerk of the City, which boundaries are hereby approved.
4. The type of public improvements proposed to be maintained by MD 23 and the proposed maintenance to be performed shall consist of those items listed on Exhibit "B" hereto and by this reference incorporated herein.
5. The Director of Public Works is hereby directed to prepare and file with the City Clerk, an Engineer's Report in the form specified in the Municipal Code.

ADOPTED this 8th day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

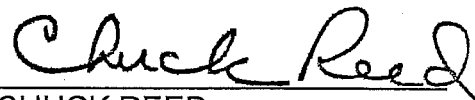
ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC  
City Clerk



CHUCK REED  
Mayor

**EXHIBIT A**



## **EXHIBIT B**

### **I. IMPROVEMENTS:**

The areas proposed to be maintained include: Berryessa Road—landscaped median islands and street trees from I-680 to Piedmont Road; the parkstrip and backup area on the north side of Berryessa Road along the back fences of homes between Sandstone Lane and Flagstone Drive; street trees along Zurich Court, Lenark Court, Robalo Court, Bunce Court, Gurney Court, Hilford Court, Caballo Court, Donnora Court, Sabal Court, Summergarden Court, Summerwings Court, Summertree Court, and Summerpark Court. Improvements may include, but are not limited to: ornamental plantings including trees, shrubs, vines, groundcover, flowers and lawns; irrigation, drainage, and lighting systems; and decorative paving, curbing, maintenance bands, rocks, mulches, seats, walls, fences, signs, and statuary. Specifically excluded are: sidewalk, fence, or soundwall replacement or major repairs.

### **II. PROPOSED MAINTENANCE:**

Maintenance includes the necessary servicing, repairs, replacements, construction of additional facilities, equipment, supplies, fuel, water, power, electric current, other utilities, care supervision, inspection, administration, and any and all other items necessary for the safe and proper maintenance and operation of the improvements. The parkstrip and backup area on the north side of Berryessa Road between Sandstone Drive and Flagstone Drive is limited to litter and debris removal. Street tree maintenance is limited to structural pruning and replacements of dead or missing trees.